

HONORABLE JUDGE JAMES L. ROBART

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HOGBACK BASIN PRESERVATION
ASSOCIATION, and SIERRA CLUB,

Plaintiffs,
vs.

UNITED STATES FOREST SERVICE, and
WHITE PASS COMPANY,

Defendants.

Case No. CV-07-1913JLR

DECLARATION OF MARK LAWLER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

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1 I, Mark Lawler, being first duly sworn on oath, do hereby depose and say that:

2 1. My name is Mark Lawler and I currently reside in King County, Washington. I volunteer
3
4 for and represent the Sierra Club, an organization for which I currently serve as the National Forests
5 Committee Chair of the local Cascade Chapter, which covers the western 3/4 of Washington. The Sierra
6 Club was founded in 1892 and is a non-profit public interest membership association, with over a
7
8 million members, based in San Francisco, California. Sierra Club members reside throughout the state of
9 Washington, the United States, and Canada. Approximately 25,000 Sierra Club members reside in the
10 state of Washington. I make this affidavit both on behalf of myself, and on behalf of the Sierra Club.

11 2. Plaintiff Sierra Club is a national conservation organization with over one million
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13 members throughout the U.S., including 25,000 in Washington State. Its principal place of business in
14 Washington is the Cascade Chapter Office at 180 Nickerson Street, Suite 202, Seattle, WA 98109. Its
15 national headquarters is at 85 Second Street, San Francisco, CA 94105. Sierra Club members from
16
17 throughout Washington use the Gifford Pinchot National Forest and the Okanogan and Wenatchee
18 National Forests for many purposes including hiking, camping, cross-country skiing, snowshoeing,
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20 downhill skiing, backpacking, fishing, bird watching, nature photography, horseback riding, and
21 biological study. In particular, members of the Sierra Club use the Hogback Basin Area and Goats Rock
22 Wilderness Area for recreational and other purposes. Sierra Club and its members have been actively
23
24 involved in the public land management planning processes for the Gifford Pinchot and the Okanogan
25 and Wenatchee National Forests, the Hogback Basin Area, and the proposed expansion of White Pass
26 Ski Area. Sierra Club members will be materially and adversely affected by the proposed expansion of
27
28 the White Pass Ski Area and activities and impacts inherent in this development.

29 3. The Sierra Club works to protect and restore wildlands in the Pacific Northwest,
30
31 including Washington State, with a particular focus on public lands such as the Gifford Pinchot and
32 Okanogan and Wenatchee National Forests. Our members learn about such areas through our

1 publications, participate in organized outings to visit such areas, and volunteer to help protect and
2 restore such areas through conservation committees of their local Sierra Club chapter. Volunteers in
3 Washington State are assisted by trained staff, who are based in offices in Seattle, WA, and Portland,
4 OR. Volunteer and staff work involves analyzing Forest Service proposals that would impact or develop
5 wild areas, prepare comment letters to the Forest Service, contact elected officials and local media if
6 necessary, and attempt to influence Forest Service decisions to minimize or avoid harm to wild areas
7 and to restore wild areas that have been damaged by past human activities.

10 **4.** Sierra Club members reside throughout Washington State, including Lewis and Yakima
11 Counties near White Pass and the Hogback Basin Area. Members and staff of the Sierra Club from
12 around the state frequently visit the Gifford Pinchot and Wenatchee and Okanogan National Forests and
13 the surrounding area, including White Pass, the White Pass ski area, and the Hogback Basin Area. They
14 use and enjoy the above described areas for their outstanding natural history, recreational, aesthetic and
15 spiritual values, and as members of the Sierra Club, they collectively seek to protect and preserve the
16 biological integrity of these public wildlands, and their related ecological functions and values. Sierra
17 Club members also use and enjoy the clean water resources of these wildlands and wish to see water
18 quality of streams and lakes of these public lands protected and improved if currently impaired. Sierra
19 Club and its members have been actively involved in the public land management planning processes
20 for the Gifford Pinchot and the Okanogan and Wenatchee National Forests, the Hogback Basin Area,
21 and the proposed expansion of White Pass Ski Area. Sierra Club members will be materially and
22 adversely affected by the proposed expansion of the White Pass Ski Area and by the activities and
23 impacts inherent in this development.

29 **5.** I know that Sierra Club members plan to return frequently to the Hogback Basin Area
30 and the immediately surrounding area, in order to experience the values described above.
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32

1 6. I actively use and enjoy the Gifford Pinchot and Okanogan and Wenatchee National
2 Forests, the Hogback Basin Area, the Goat Rocks Wilderness Area, and other nearby areas on public
3 lands for their diverse natural history, recreational, aesthetic, and spiritual values. I use the Hogback
4 Basin Area for wintertime cross-country skiing and summertime hiking and backpacking and plan on
5 returning for this purpose frequently. I seek to protect and preserve the biological integrity of these
6 public wildlands, their related ecological functions and wildlife habitat values, and the water quality and
7 fisheries of these wildlands. Since 1977 I have enjoyed cross-country skiing in several parts of the U.S. I
8 particularly enjoy skiing into remote backcountry that has not been disturbed by human development.
9 Over the 27 years I have lived in Washington State, my ability to find such undisturbed areas for cross-
10 country skiing in Washington has declined markedly as ski areas have expanded their developed
11 facilities and timber companies and the Forest Service have created new road systems in areas that were
12 formerly undeveloped. I have found the Hogback Basin Area to be particularly valuable for cross-
13 country skiing, with excellent snow, scenic vistas, beautiful virgin forests, and a variety of terrain that all
14 create an outstanding backcountry skiing destination. In the winter I have camped in the Hogback Basin
15 Area, and in the summer, I have backpacked on the Pacific Crest Trail into the Hogback Basin Area and
16 camped in the area. I plan to return frequently to the Hogback Basin Area in order to experience and
17 enjoy the values described above.

18
19 7. The Record of Decision allowing expansion of the White Pass Ski Area would destroy
20 old growth trees, clearcut virgin forests, and move earth within inventoried roadless areas for the
21 purpose of building and installing downhill ski runs, access trails and roads, mechanical ski lifts, a mid-
22 mountain restaurant, utilities such as power, water, and sewer lines, and a parking lot and ticket kiosk
23 building. Such developments would permanently and irreparably harm the existing ecological,
24 recreational, and aesthetic values of the Hogback Basin Area and the greater White Pass area that are
25 currently enjoyed by Sierra Club members.

1 8. If the Hogback Basin Area is developed as proposed by Defendants, I would have little
2 personal reason to return to the area for my activities of cross-country skiing, camping, hiking, and
3 backpacking because the natural character and values for which I repeatedly return to the area will have
4 been destroyed.

5
6 9. Sierra Club and its members will be materially and adversely affected by the Forest
7 Service's authorization of expansion of the White Pass Ski Area, due to its development of the Hogback
8 Basin Area, inventoried roadless areas, streamside areas, and attendant wildlife habitat, water quality,
9 fisheries, and other natural values.

10
11 10. The organizational interests of the Sierra Club would be significantly injured by the
12 Defendants' proposed expansion of downhill skiing facilities in the Hogback Basin Area and elsewhere
13 near White Pass. The organizational interests of the Sierra Club would be seriously aggrieved and
14 adversely affected by Defendants' failure to prevent the impacts to wildland values discussed above.
15 Such a loss would greatly diminish the ecological value of the ecosystem of the Hogback Basin Area
16 and the surrounding region in a manner which will significantly damage the interests of the Sierra Club.

17
18 11. The Sierra Club submitted timely and substantive comments to the Forest Service during
19 the NEPA process and filed an administrative appeal. Our appeal was denied.

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21 In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
22 document is a true and correct statement of all facts set forth herein.

23
24 SO DECLARED, this date 5th day of March, 2008.

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28 Mark Lawler
29 Sierra Club, Cascade Chapter
30 National Forests Committee Chair